

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Systems Products and Solutions, Inc.,
an Alabama corporation,

Plaintiff,

v.

Joseph B. Scramlin,

Defendant.

Case No. 13-cv-14947
Hon. Mark A. Goldsmith
Mag. Judge Mona K. Majzoub

**STIPULATED PRELIMINARY INJUNCTION
AND EXPEDITED DISCOVERY**

Plaintiff filed an action in this matter, alleging *inter alia* that Defendant has violated his duty to maintain Plaintiff's confidences, has assisted a competitor in preparing a bid, and has misappropriated equipment and/or files. Defendant vehemently denies those allegations and all allegations of wrongdoing. Without any admission of liability by Defendant, to avoid the cost of resolving Plaintiff's Motion for *Ex Parte* Temporary Restraining Order, Preliminary Injunction, and Expedited Discovery and pursuant to the parties' stipulation below:

IT IS HEREBY ORDERED that defendant Joseph B. Scramlin, and all persons acting in concert with him, are restrained and enjoined from taking the following actions:

- a) From directly or indirectly, and in any manner, using or disclosing any Confidential Information (as defined in the Verified Complaint) belonging to or originating from SPS, including but not limited to using the Confidential Information to prepare a bid for TACOM or solicit SPS' customers;
- b) For a period of eighteen months beginning November 5, 2013, directly or indirectly, through PD Systems, Inc., or any other employer or entity, soliciting business from or diverting the business of any SPS customer;

- c) For a period of eighteen months beginning November 5, 2013, from directly or indirectly, assisting or participating in any bid to TACOM that is competitive with SPS; and
- d) From destroying, altering, modifying or concealing any data relevant to this action or SPS' Confidential Information stored on any computer media or hard copies.

IT IS FURTHER ORDERED that:

- a) To the extent that he is in possession of any such thing, within five days of the parties' stipulation, Defendant immediately return to Plaintiff all of SPS' computers, equipment, and software and all documents and files that include, contain, or are in whole or in part derived from SPS' Confidential Information, including but not limited to the Confidential Information itself and all copies, summaries, compilations, and reiterations of that information;
- b) Within five days of the parties' stipulation, all other documents and files, and copies thereof, whether or not they contain Confidential Information, that in any way originate or arise from SPS and/or Scramlin's employment with SPS, be returned to SPS, as well as all documents that to any extent contain, in whole or in part, information derived from those documents, but with the exception of such documents that are usually retained by an employee upon termination, such as payroll stubs and records, tax records, and employment agreements and records .

IT IS FURTHER ORDERED that:

- a) Defendant will produce all computers and computer related equipment in his possession or control, for forensic copying and examination, that have been used by him, in whole or in part, in working for plaintiff Systems Products and Solutions, Inc. ("SPS") or otherwise have or had electronic data files relating to SPS, the HBCT Contract, as defined in the Verified Complaint, or PD Systems, Inc., its affiliates or subsidiaries, or any other entity Defendant has communicated with regarding a TACOM bid or contract, within five days of the date of this Order;
- b) Defendant will appear for his deposition within twenty-one days after the production of the above-referenced equipment, documents, and files.

SO ORDERED.

Dated: December 17, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 17, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager

Stipulated by:

Vercruysse Murray & Calzone, P.C.

By: /s/James E. Roach
James E. Roach (P51792)
Attorneys for Plaintiff

Law Offices of Ezra N. Goldman, P.C.
By: /s/Ezra N. Goldman
Ezra N. Goldman (P48965)
Attorneys for Defendant